

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-A-93 (27)S
Sales Tax
April 20, 1993

STATE OF NEW YORK
COMMISSIONER OF TAXATION AND FINANCE

ADVISORY OPINION

PETITION NO. S930119C

On January 17, 1993 a Petition for Advisory Opinion was received from Dynamic News Diary, Inc., 599 Lexington Avenue, Suite 2300, New York, New York 10022.

The issue raised by Petitioner, Dynamic News Diary, Inc., is whether its information service is subject to sales tax when purchased by newspapers, radio stations, and television stations.

Petitioner provides, by facsimile transmission or electronic mail, a listing of events in the New York Metropolitan Area including political, special event and sports events in the nineteen A&B Counties of the New York ADI as defined by Arbitron. The information is sold to newspapers, radio stations, and television broadcasters including cable television newsrooms for use in the collection and dissemination of news.

Section 1105(c)(1) imposes a tax upon:

"(1) The furnishing of information by printed, mimeographed or multigraphed matter or by duplicating written or printed matter in any other manner, including the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons, but excluding the furnishing of information which is personal or individual in nature and which is not or may not be substantially incorporate in reports furnished to other persons, and excluding the services of advertising or other agents, or other persons acting in a representatives capacity, and information services used by newspapers, radio broadcasters and television broadcasters in the collection and dissemination of news." (Emphasis supplied)

Sales by Petitioner of the information services described above are ordinarily subject to the tax imposed under Section 1105(c)(1) of the Tax Law. However, when the services are purchased by newspapers, radio broadcasters and television broadcasters such services are excluded from the imposition of sales tax. Petitioner should obtain an Exempt Use Certificate (Form ST-121) from its customers when making such sales.

DATED: April 20, 1993

/s/
PAUL B. COBURN
Deputy Director
Taxpayer Services Division

NOTE: The opinions expressed in Advisory Opinions are limited to the facts set forth therein.